# FOR UTILITY/DESIGN CIP/PCT NATIONAL/PLANT ORIGINAL/SUBSTITUTE/SUPPLEMENTAL DECLARATIONS

### RULE 63 (37 C.F.R. 3) DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

PW FORM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the INVENTION ENTITLED TUNABLE DISPERSION COMPENSATING BANDWIDTH DEVICE FOR FIBER OPTICS SYSTEM

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S) Application No. (series code/serial no.)  I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.  And I hereby appoint Pillsbury Winthrop LLP, Intellectual Property Group, telephone number (703) 905-2000 (to whom all communications are to be directed), and persons of that firm who are associated with USPTO Customer No. 909 (see below label) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete from that Customer No. names of persons no longer with their firm, to add new persons of their Firm to that Customer No., and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full		- <del></del>		CE FOR FIBER OF IICS SYSTEM			
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If more prior fereian applications, X box at Action and continue on attached case.		REIGN A		Day/MONTH/Year Filed			Priority NOT Claimed
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Name         EVELYN         BOETTCHER           Residence         Greenbelt         MID         USA           Mailing Address         420 Ridge Road #5, Greenbelt, MD         City         State/Foreign Country         Country of Citizenship           (include Zip Code)         20770         Date: 46 24 0 )           Name         SANDEEP         T.         VOHRA           Residence         Ellicott City         MD         USA           Residence         Ellicott City         MD         USA           Mailing Address         3726 Garand Road, Ellicott City, MD           Mailing Address         3726 Garand Road, Ellicott City, MD           FOR ADDITIONAL INVENTORS see attached page.	(1) INVENTO	R'S SIG	NATURE:	Le Butter	₹ Date:	8/7.5/01	
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City State/Foreign Country Country of Citizenship  Mailing Address 420 Ridge Road #5, Greenbelt, MD  (include Zip Code) 20770  (2) INVENTOR'S SISNATURE: Leaf lader Date: 4 24 0 )  Name SANDEEP T. VOHRA  First Middle Initial Family Name  Residence Ellicott City MD USA  Mailing Address 3726 Garand Road, Ellicott City, MD  Mailing Address 3726 Garand Road, Ellicott City, MD  FOR ADDITIONAL INVENTORS see attached page.	Residence	Gre					
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Name         SANDEEP         T.         VOHRA           Residence         Ellicott City         MD         USA           Mailing Address         3726 Garand Road, Ellicott City, MD         Country of Citizenship           Mailing Address         21042           FOR ADDITIONAL INVENTORS see attached page.	(include Zip (	Code)	20770				
First Middle Initial Family Name  Residence Ellicott City MD USA  City State/Foreign Country Country of Citizenship  Mailling Address 3726 Garand Road, Ellicott City, MD  (include Zip Code) 21042  FOR ADDITIONAL INVENTORS see attached page.	(2) INVENTO	R'S SIG	NATURE:	Leaf lalow	Date:	es 24 (0)	
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#### Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b) PATENT AND TRADEMARK CASES - RULES OF PRACTICE **DUTY OF DISCLOSURE**

... Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability...(b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a prima facie case of unpatentability of a claim or (2) refutes, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability

#### PATENT LAWS 35 U.S.C.

#### §102. Conditions for patentability; novelty and loss of right to patent

A person shall be entitled to a patent unless-

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- he has abandoned the invention, or
- \_\_(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months\* before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof T by the applicant for patent, or
  - he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

#### §103. Condition for patentability; non-obvious subject matter

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made. . . .
- (c) Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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Six months for Design Applications (35 U.S.C. 172).

## DECLARATION AND POWER OF ATTORNEY (continued) ADDITIONAL INVENTORS:

(5) HAVENTO	GREGG	7 111	the Munin	Date:	8/28/01
	GREGG	First		IOHNSON	
Residence	Fairfax	FiiSt	Middle Initial		Family Name
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(include Zip Co		5209 Noyes C	t., Fairfax, VA		
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(4) INVENTOR	'S SIGNATURE:			Date:	
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